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Review Application Writ (MD).No.105 of 2024
and W.P(MD).No.13307 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Review Application Writ (MD).No.105 of 2024
and WMP(MD).No.10545 & 10546 of 2024
and
W.P(MD).No.13307 of 2024
and WMP(MD).Nos.11777 and 11778 of 2024

Review Application Writ (MD).No.105 of 2024

1.B.Samundeeswari

2.D.M.Jeya

...Petitioners/Appellants

Vs

1.The Commissioner
Madurai Corporation
Madurai 625 010

2.The Assistant Commissioner
Madurai Corporaiton
Zone I
Madurai

....Respondents/Respondents



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Review Application Writ (MD).No.105 of 2024
and W.P(MD).No.13307 of 2024

WP(MD).No.13307 of 2024

1.B.Samundeeswari

2.M.Jeya

...Petitioners

Vs

1.The Commissioner
Madurai Corporation
Tallakulam
Madurai 625 010

2.The Assistant Commissioner
Madurai Corporation
Zone-III (Central)
Madurai

...Respondents

Prayer in Review Apl.W(MD).No.105 of 2024: Wthe Review Application is filed to review the order passed by WP(MD).No.7550 of 2020 dated 06.03.2024.

Prayer in WP(MD).No.13307 of 2024 : Writ Petition has been filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus, call for the records pertaining to the impugned order cum notice vide Na.Ka.No.Ma3D1/003304/2024 dated 29.05.2024 issued by the second respondent and quash the same as illegal and consequently directing the 1st



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respondent to declare out building plan Approval No.26/2005 dated 23.12.2005 approved by the resolution of the Council as per the resolution No.6 dated 12.07.2005 which was duly signed by the first respondent dated 14.07.2005 and the same was approved by the Chairman, Town Planning and Development Standing Committee on 23.12.2005 as per the agenda CW.12/1133/2005 of the Council meeting of Madurai Corporation as valid one.

(In both petitions)

For Petitioners : Mr.T.Lajapathi Roy
Senior Counsel
Mr.C.M.Arumugam

For Respondents : M/s.S.Devasena
Standing Counsel

COMMON ORDER

(Made by **R.VIJAYAKUMAR,J.**)

Review Application Writ (MD).No.105 of 2024 has been filed seeking to review the order passed by this Court in WP(MD).No.7550 of 2020 on 06.03.2024.

2.The said writ petition was filed by the review applicant seeking to quash the order dated 10.03.2020 issued by the Madurai Corporation for demolition of unauthorised construction. This Court while disposing of the writ petition, had



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directed the respondent Corporation to take necessary action for removal of unauthorised construction after giving due notice to the parties concerned.

3.The review application has been filed contending that the petitioners have obtained building plan approval from Madurai Corporation under Approval No.71 of 1984 and 26 of 2005 on 17.02.1984 and 23.12.2005 respectively and since the said fact has not been brought to the notice of the Court, the present review application has been filed.

4.Pursuant to the order of this Court in WP(MD).No.7550 of 2020, the Madurai Corporation has issued a notice to the writ petitioner on 29.05.2024 directing them to remove the unauthorised construction within a period of seven days. This order is under challenge in WP(MD).No.13307 of 2024.

5.Since the issue involved in the review application and the writ petition are inter connected, they are tagged together and a common order is being passed.

6.This Court in its order dated 06.03.2024 in WP(MD).No.7550 of 2020



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had directed the Madurai Corporation to initiate necessary action after giving due opportunity to the parties.

7.Pursuant to our order, notice has been issued by the Corporation on 29.05.2024 which is challenged in WP(MD).No.13307 of 2024. It is for the writ petitioner to place the building approval order before the Madurai Corporation to justify their construction. Therefore, the review application as well as the writ petition are disposed of with liberty to the petitioner to place all the approval orders before the Madurai Corporation and the Corporation is directed to consider the same and pass orders in accordance with law.

8.Both the proceedings are disposed of with the above said observations.
No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K.J.,)

(R.V.J.,)

14.11.2024

Index :yes
Internet :yes
NCC : yes/no
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